

STATE-05

System name :

Overseas Citizens Services Records.

Security classification:

Classified.

System location :

Department of State, 2201 C Street, NW, Washington, DC 20520 and overseas at U.S. embassies, U.S. consulates general and consulates. (A list of overseas posts is available from the Bureau of Consular Affairs, Room 4800, Department of State, Washington, DC 2052-4818.)

Categories of individuals covered by the system:

Individuals assisted by the Office of Overseas Citizens Services or by consular officers overseas including persons, generally U.S. citizens, who:

- (a) Seek to establish claims to U.S. citizenship or inquire concerning possible loss of U.S. citizenship;
- (b) Apply for U.S. passports or Consular Reports of Birth Abroad;
- (c) Register as U.S. citizens living or traveling abroad;
- (d) Are evacuated to the United States or a third country as the result of a civil disorder, natural disaster or similar emergency in an overseas locale;
- (e) Initiate, or are the subjects of, requests relating to their welfare and whereabouts;
- (f) Receive financial assistance or are repatriated;
- (g) Receive emergency medical assistance;
- (h) Are detained or arrested overseas;
- (i) Seek or receive notarial, authentication, or judicial assistance;
- (j) Die overseas or are involved in the disposition of a decedent's personal estate;
- (k) Assert an interest in property abroad;
- (l) Are living overseas and claim or receive federal benefits;
- (m) Are involved in an international child custody dispute, possible child abuse case, or child support enforcement proceeding;
- (n) Vote in U.S. federal or state elections while living overseas;
- (o) Register with the U.S. Selective Service System while living overseas;
- (p) Are inquiring concerning an international adoption;
- (q) Are American seamen who have inquired about seamen consular services;

(r) Have sought or received benefits by virtue of having been have hostage overseas or by virtue of their relationship with an individual held hostage overseas.

Categories of records in the system:

Applications for passports and registration as U.S. Citizen;* Consular Reports of Birth;* Certificates of Loss of Nationality of the United States;* Reports of Death;* emergency medical and dietary loan applications; repatriation loan applications; applications for benefits for hostages; seamen services records; welfare and whereabouts records; federal benefits claims; property claims; arrest cases; estate cases; judicial assistance cases; international adoption cases; and child custody cases, including applications filed under the Hague Convention on International Child Abduction.

*These records are eventually transferred from Overseas Citizens Service Records, STATE-05, to Passport Records, STATE-26.

These records may also include: Registration cards; interview worksheets; fingerprint cards; documents of identity; affidavits of identity; and various related forms not otherwise stated as well as communications from U.S. embassies, U.S. consulates general, consulates, federal, state and local government agencies, members of Congress, officials of foreign Governments and courts or organizations such as the Red Cross, subject of the record, attorneys relatives and other interested parties.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The information in the Overseas Citizens Records is used primarily in the adjudication of claims relating to acquisition or loss of U.S. citizenship; the protection and assistance of individuals abroad; the assistance to individuals involved in child custody; adoption and child support enforcement proceedings; and the resolution of property, estate, and benefits claims arising under the pertinent statutes. The routine uses for Passport Records, STATE-26, apply to applications for passports and registration as U.S. citizens, Consular Reports of Birth, Certificates of Loss of Nationality of the United States, Reports of Death, and related documentation. The principal users of this information outside the Department of State are:

Social Security Administration; Veterans Affairs Department; Department of Health and Human Services; U.S. Public Health Service; Office of Personnel Management; Railroad Retirement Board; Treasury Department; Department of Labor; Department of Justice; Drug Enforcement Administration; Selective Service; Department of Defense; Federal Aviation Administration; U.S. Maritime Administration; Department of Commerce; Foreign Claims Settlement Commission; Immigration and Naturalization Service; Secret Service; Internal Revenue Service for the current addresses of specifically identified taxpayers in connection with pending actions to collect taxes accrued, examinations, and/or other related tax activities; Foreign and domestic airlines when the information is required for the purpose of notifying next-of-kin of the death, injury or status of the individual to whom it pertains, or in connection with a medical evaluation of the individual to whom it pertains; Funeral homes in connection with the death abroad of citizens of the U.S.; Members of Congress when the information is requested on behalf of the individual to whom access is authorized under these rules; Shipping companies when the information is maintained pursuant to the Department's responsibility under Title 46 of the U.S. Code; Immediate families when the information is required for the benefit of the subject by the individual's immediate family; Private United States citizen & wardens designated by U.S. embassies and U.S. consulates general and consulates to serve, primarily in emergency and evacuation situations, as channels of communication with other Americans in the local community; Attorneys when the individual to whom the information pertains is the client of the attorney making the request, or when the attorney is acting on behalf of some other individual to whom access is authorized under these rules; the Red Cross; State law enforcement agencies; including state prosecutors; Foreign governments, embassies and consulates when the request for information is made pursuant to customary international practice; Private citizens whenever the individual to whom the information pertains has authorized the Department in writing to release such information; INTERPOL; National Center for Missing and Exploited Children; Various central authorities of member countries of the Hague International Child Abduction Convention; Contacts identified by state governments to assist in implementation of the Hague International

Child Abduction Convention; Bar associations and legal aid services to assist in facilitating operations under the Hague International Child Abduction Convention; Local police in connection with notification of next-of-kin and child custody disputes; Social service agencies; and Parents involved in Hague International Child Abduction cases. This information may also be released on a need-to-know basis to other government agencies having statutory or other lawful authority to maintain such information; information is made available to routine users only for an established routine use. Also see the "Routine Uses" paragraph of the Prefatory Statement published in the Federal Register.

Authority for maintenance of the system:

- (a) 8 U.S.C. 1401et seq (Adjudication of claim to U.S. citizenship);
- (b) 8 U.S.C. 1481, 1501 (Adjudication of possible loss of nationality and preparation of Certificates of Loss of Nationality);
- (c) 22 U.S.C. 211a, 212, 213, 217(a), 218 (Passport application and issuance);
- (d) 22 U.S.C. 2705 (Preparation of Consular Reports of Birth);
- (e) 22 U.S.C. 1731 (Protection of naturalized U.S. citizens abroad);
- (f) 22 U.S.C. 2671(b)(2)(B) (Repatriation loan for destitute U.S. citizens);
- (g) 22 U.S.C. 2670(j) (Provision of emergency medical/dietary assistance);
- (h) 22 U.S.C. 2151n-1 (Assistance to arrested citizens) (Repealed, but applicable to past records);
- (i) 22 U.S.C. 4215, 4221 (Administration of oaths, affidavits, or other notarial acts);
- (j) 28 U.S.C. 1740, 1741 (Authentication of documents);
- (k) 28 U.S.C. 1781-1783 (Judicial assistance to U.S. and foreign courts);
- (l) 22 U.S.C. 4196 (Notification of death; inventory of decedents' effects);
- (m) 22 U.S.C. 5502-5513 (Secs. 204-215) (Assistance in aviation disasters abroad);
- (n) 22 U.S.C. 4195, 4197 (Estates of deceased citizens);
- (o) 22 U.S.C. 3904 (Assistance to other agencies);
- (p) 42 U.S.C. 402 (Old-age and survivors insurance benefits payment);
- (q) 50 App. U.S.C. 453, 454, Presidential Proclamation No. 4771, July 2, 1980 (Selective Service registration); (r) 42 U.S.C. 1973ff-1973ff-6 (Overseas absentee voting);

(s) 22 U.S.C. 4193, 4194, 4205-4207, 46 U.S.C. 10318 (Assistance to shipping and seamen);

(t) 46 U.S.C. 10701-10705 (Responsibility for deceased seamen and their effects); (u) 42 U.S.C. 11601-11610, International Child Abduction;

E.O. 12648, August 11, 1988, 53 FR 30637);

(v) Sec. 599C of Pub. L. 101-513 as amended (Claims to benefits by virtue of hostage status.)

Policies and practices for storing, retrieving, accessing, retaining and disposing of records in the system:

Storage:

Electronic media, hard copy.

Retrievability:

By individual name, passport number.

Safeguards:

All employees of the Department of State have undergone a thorough background security investigation, and contractors have had background investigations in accordance with the scope of their contract. Access to the Department of State and posts abroad is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secured file cabinets or in restricted areas access to which is limited to authorized personnel. Access to computerized data bases is password-protected and under the responsibility of the system manager and persons who report to him or her. The system manager has the capability of printing audit trails of access from the electronic media, thereby permitting regular ad hoc monitoring of computer usage.

Retention and disposal:

Retention of these records varies depending upon the specific kind of record involved. They are retired or destroyed in accordance with published record schedules of the Department of State and as approved by the National Archives and Records Administration. More specific information may be obtained by writing to the Director, Office of Freedom of Information, Privacy, and Classification Review, Room 1239, Department of State, 2201 C Street, NW, Washington, DC 20520-1239.

System manager(s) and address:

Deputy Assistant Secretary for Overseas Citizens Services, Room 4800, Department of State, 2201 C Street, NW, Washington, DC 20520-4818. At overseas locations, the on-site system manager is the Chief of the Consular Section or another State Department employee with responsibility for consular services as provided by the post in question.

Notification procedure:

Individuals who have reason to believe that the Office of Overseas Citizens Services might have records pertaining to themselves should write to the Director, Office of Freedom of Information, Privacy and Classification Review, Room 1239, Department of State, 2201 C Street, NW, Washington, DC 20520-1239. The individual must specify that he/she wishes the Overseas Citizens Services Records checked. At a minimum, the individual must include: Name; date and place of birth; current mailing address and zip code; signature; a brief description of the circumstances which may have caused the creation of the record, including the location (city and country); and the approximate dates which give the individual cause to believe that Overseas Citizens Services has records pertaining to him/her. A request to search Overseas Citizens Services Records, STATE-05, will be treated also as a request to search Passport Records, STATE-26, when it pertains to passport, registration, citizenship, birth or death records transferred from STATE-05 to STATE-26.

Record access procedures:

Individuals who wish to gain access to or amend records pertaining to themselves should write to the Director, Office of Freedom of Information, Privacy and Classification Review (address above).

Record source categories:

These records contain information obtained primarily from the individual who is the subject of these records; consular officers; relatives; and interested federal, state and local agencies; and officials of foreign governments and courts or organizations such as the Red Cross.

Systems exempted from certain provisions of the act:

Certain records contained within this system of records are exempted from 5 U.S.C. 522a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I) and (f). See Department of State Rules published in the Federal Register.